



04-06-05

1647

Express Mail No. EV452775118US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Brines *et al.*

Serial No.: 09/717,057

Filed: November 21, 2000

For: MODULATION OF EXCITABLE  
TISSUE FUNCTION BY  
PERIPHERALLY ADMINISTERED  
ERYTHROPOIETIN

Confirmation No.: 5119

Art Unit: 1647

Examiner: DeBerry, Regina M.

Attorney Docket No.: 10165-010-999

TRANSMITTAL FOR REVOCATION AND POWER OF ATTORNEYCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the Rules of Practice, please consider the following remarks. Applicant respectfully requests entry of the enclosed Revocation and Power of Attorney executed by Anthony Cerami on behalf of The Kenneth S. Warren Institute, Inc., the assignee of the above-identified patent application by virtue of an Assignment filed with the U.S. Patent and Trademark Office, a copy of which is attached.

Applicant does not believe there is a fee due in connection with this submission. However, should the Patent and Trademark Office determine otherwise, please charge the required fee to Jones Day Deposit Account No. 50-3013.

Respectfully submitted,

Date: April 4, 2005Laura A. Coruzzi 30,742  
Laura A. Coruzzi (Reg. No.)By: Eileen E. Falvey 46,097  
Eileen E. Falvey (Reg. No.)JONES DAY  
222 East 41<sup>st</sup> Street  
New York, New York 10017  
(212) 326-3939



Express Mail No.: EV452775118US  
POWER OF ATTORNEY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Brines *et al.* Confirmation No.: 5119  
Application No.: 09/717,057 Art Unit: 1647  
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For: MODULATION OF EXCITABLE TISSUE Attorney Docket No.: 10165-010-999  
FUNCTION BY PERIPHERALLY  
ADMINISTERED ERYTHROPOIETIN

REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Kenneth S. Warren Institute, Inc. (assignee) hereby revokes any and all previous powers and appoints:

☐ Practitioners at Customer Number \_\_\_\_\_.

as his/her/its/their attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please direct all correspondence address for the above-identified application to:

☐ The above mentioned Customer Number.

☒ Firm or Individual Name:

Address: Frederick J. Hamble, Esq. (Reg. No. 42,623)  
712 Kitchawan Road  
Ossining, New York 10562

and

Michael Yamin (Reg. No. 44,414)  
712 Kitchawan Road  
Ossining, New York 10562

Telephone: (914) 762-7586

The Kenneth S. Warren Institute, Inc. is the:

- ☐ Applicant/Inventor  
☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
(Statement under 37 CFR 3.73(b) is applicable)

**Statement Under 37 C.F.R. 3.73(b)**

The Kenneth S. Warren Institute, Inc. states that it is:

- ☒ the assignee of the entire right, title, and interest; or  
☐ an assignee of less than the entire right, title and interest.

The extent (by, percentage) of its ownership interest is %

in the patent application/patent identified above by virtue of either:

☒ Assignments from the inventors of the patent application no. 09/547,220, of which the above-identified application is a divisional. The assignment from the inventors to The Kenneth S. Warren Institute, Inc. was recorded in the United States Patent and Trademark Office on June 13, 2000 at Reel 010887, Frame 0963.

OR

☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: To:  
The document was recorded in the United States Patent and Trademark Office on  
at Reel , Frame , or for which a copy thereof is attached.

2. From: To:  
The document was recorded in the United States Patent and Trademark Office on  
at Reel , Frame , or for which a copy thereof is attached.

3. From: To:  
The document was recorded in the United States Patent and Trademark Office on  
at Reel , Frame , or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.  
[Note: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

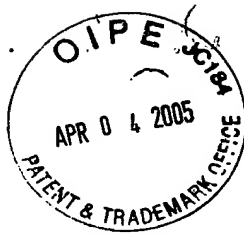
The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

ASSIGNEE: The Kenneth S. Warren Institute, Inc.

Date: 3/14/05 Signature: A. Cerami  
Typed Name: Anthony Cerami  
Position/Title: President/Director

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required.

☐ Total of forms are submitted.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

AUGUST 23, 2000

PTAS



PENNIE & EDMONDS LLP  
LAURA A. CORUZZI  
1155 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036

10165-006

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 06/13/2000

REEL/FRAME: 010887/0963  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
BRINES, MICHAEL

DOC DATE: 06/07/2000

ASSIGNOR:  
CERAMI, ANTHONY

DOC DATE: 06/07/2000

ASSIGNOR:  
CERAMI, CARLA

DOC DATE: 06/07/2000

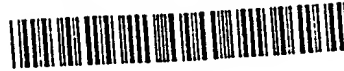
ASSIGNEE:  
KENNETH S. WARREN LABORATORIES,  
THE  
765 OLD SAW MILL RIVER ROAD  
TARRYTOWN, NEW YORK 10591

SERIAL NUMBER: 09547220  
PATENT NUMBER:

FILING DATE: 04/11/2000  
ISSUE DATE:

07-06-2000

Attorney Docket Number  
10165-006-999



101396710

TO THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS  
Box Assignment  
Washington, DC 20231

Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Brines, Michael  
Cerami, Anthony  
Cerami, Carla

6-13-00

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date: June 7, 2000

2. Name and address of receiving party(ies):

Name: The Kenneth S. Warren Laboratories

Address: 765 Old Saw Mill River Road

Tarrytown, NY 10591

Country (if other than USA): \_\_\_\_\_

4. Application number(s) or patent number(s): 09/547,220, filed April 11, 2000

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s) 09/547,220

B. Patent No.(s) \_\_\_\_\_

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

PENNIE & EDMONDS LLP  
1155 Avenue of the Americas  
New York, NY 10036

6. Number of applications and patents involved: 1

7. Total fee (37 CFR 3.41):.....\$ 40.00  
Please charge to the deposit account listed in Section 8.

8. Deposit account number:  
16-1150

DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Laura A. Coruzzi  
Name of Person Signing

30,742  
Reg. No.

Signature

June 13, 2000  
Date

Laura A. Coruzzi  
by Eileen E. Falvey

Reg No 46,097  
Total number of pages including cover sheet:

3

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignment  
Washington, D.C. 20231

07/05/2000 DNGUYEN 00000223 161150 09547220

01 FC:581

40.00 CH

## ASSIGNMENT

WHEREAS, WE, Michael Brines, Anthony Cerami, and Carla Cerami, ASSIGNORS, citizens of the United States, residing at 1 Wepawaug Road, Woodbridge, Connecticut 06525, 170 Mercer Street, New York City, New York 10012, and 121 Farrington Avenue, Sleepy Hollow, New York, 10591, respectively, are the inventors of the invention in MODULATION OF EXCITABLE TISSUE FUNCTION BY PERIPHERALLY ADMINISTERED ERYTHROPOIETIN for which we have executed an application for a Patent of the United States

- ☐ which is executed on ☐ even date herewith or ☐ \_\_\_\_\_
- ☐ which is identified by Pennie & Edmonds LLP docket no. 10165-006-999
- ☒ which was filed on April 11, 2000, Application No. 09/547,220

and WHEREAS, The Kenneth S. Warren Laboratories, a not-for-profit organization of the State of New York, having an address at 765 Old Saw Mill River Road, Tarrytown, New York 10591, ASSIGNEE, is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date June 7, 2000

State of NEW YORK

County of Westchester

} SS.:

In the State of New York, county of Westchester, on June 7, 2000, before me, CHRISTINE GALIS, Notary Public, personally appeared Michael Brines, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Christine Galis

Christine Galis  
Notary Public, State of New York  
No. 01GA5073633

Qualified in Westchester County  
Commenced June 11, 1999

# Best Available Copy

Date June 7, 2000

Anthony Cerami  
Anthony Cerami

L.S.

State of NEW YORK  
County of WESTCHESTER } SS.:

In the State of NEW YORK, county of WESTCHESTER, on JUNE 7, 2000, before me, CHRISTINE GALLIS, Notary Public, personally appeared Anthony Cerami, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Christine Gallis

Christine Gallis  
Notary Public, State of New York  
01GA5073633  
County of Westchester  
Commission Expires June 3, 2001

Date JUNE 7, 2000, 2000

Carla Cerami  
Carla Cerami

L.S.

State of NEW YORK  
County of WESTCHESTER } SS.:

In the State of NEW YORK, county of WESTCHESTER, on JUNE 7, 2000, before me, CHRISTINE GALLIS, Notary Public, personally appeared Carla Cerami, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Christine Gallis

Christine Gallis  
Notary Public, State of New York  
01GA5073633  
County of Westchester  
Commission Expires June 3, 2001